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TRANSCRIPT OF RECORD

Supreme Court of the United States

OCTOBER TERM, 1937

No. 190

FRANK CARMINE NARDONE, AUSTIN L. CALLAHAN, HUGH BROWN AND ROBERT GOTTFRIED, PETITIONERS,

vs.

THE UNITED STATES OF AMERICA

ON WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SECOND CIRCUIT

PETITION FOR CERTIORARI FILED JULY 3, 1937.

CERTIORARI GRANTED OCTOBER 11, 1937.

SUPREME COURT OF THE UNITED STATES

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[fol. 1]

IN UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

vs.

FRANK CARMINE NARDONE, Alias FRANK CARMINE; AUSTIN L. CALLAHAN, Hugh Brown and Robert Gottfried, Alias Robert Godfrey, alias Robbie

STATEMENT UNDER RULE 13

The indictment herein was filed on May 15, 1936, against Pierre Le Veque, Frank Carmine Nardone, Austin L. Callahan, Hugh Brown and Robert Gottfried, alleging violations of U. S. C. Title 19, Sections 1593a, and 1593b, U. S. C. Title 18, Section 550, and U. S. C. Title 18, Section 88. The defendants were arraigned before Hon. William Bondy, U. S. D. J., on May 18, 1936, and each pleaded not guilty. The bail of the individual defendants was fixed at $2,000. The trial of all the defendants was commenced before Hon. Grover M. Moscowitz, U. S. D. J., and a jury on December 16, 1936, at which time, Pierre Le Veque pleaded guilty. Bail as to the other defendants was cancelled and they were remanded to jail during the trial which continued to and was concluded on December 23, 1936. After the verdict the defendants remained in custody [fol. 2] until they appeared for sentence on December 30, 1936. The defendants Callahan, Brown and Gottfried were sentenced to a year and a day as to each count, to run concurrently. The defendant Nardone was sentenced to a year and a day on the first count; two years on the second count; two years on the third count; the second and third counts to run concurrently as to each other and to be served after the expiration of the sentence on Count 1. A notice of appeal was filed by the defendants on December 30, 1936, and on December 31, 1936, the defendants, with the exception of Hugh Brown, were released on bail pending appeal.